

Amendments to the Claims:

This listing of claims will replace all prior versions, and listings of claims in the application:

Listing of Claims:

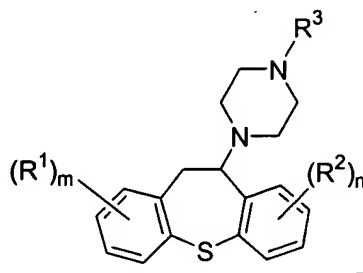
1-46. (canceled)

47. (currently amended) A method for ~~detecting~~assessing mutations in cytomegalovirus (CMV), the method comprising:

(a) collecting CMV and/or at least one CMV infected cell from a patient infected with CMV by contacting the blood or a tissue of the patient with a compound that binds CMV and/or a CMV infected cell, whereby CMV or at least one CMV infected cell is bound from the blood or tissue; and

(b) analyzing a segment of the CMV genome obtained from the CMV or the at least one CMV infected cell collected in step (a) to detect the presence and/or absence of a mutation in the CMV genome;

wherein the compound has the formula:



or is a pharmaceutically acceptable salt thereof; and wherein

the subscripts m and n are independently integers of from 0 to 3;

R¹ and R² are substituents independently selected from the group consisting of halogen, (C₁-C₄)alkyl, (C₁-C₄)alkoxy, (C₁-C₄)alkylthio, (C₁-C₄)haloalkyl, (C₁-C₄)haloalkoxy, nitro, cyano, (C₁-C₄)acyl, amino, (C₁-C₄)alkylamino, and di(C₁-C₄)alkylamino;
and

R³ is a substituent selected from the group consisting of (C₁-C₄)alkyl, (C₁-C₄)haloalkyl and (C₁-C₄)acyl.

48. (original) The method of claim 47, wherein contacting comprises withdrawing blood containing CMV from the patient and flowing the blood into or through a collector that comprises the compound, whereby CMV in the blood is captured by the compound of the collector.

49. (currently amended) The method of claim 48, wherein the compound is a ~~ligand for~~ binds to CMV US28.

50. (Cancel)

51-53 (Cancel)

54. (original) The method of claim 47, wherein collecting comprises placing an implant device that contains the compound in or on the patient such that the implant device is in contact with the blood of the patient, whereby CMV or the at least one CMV infected cell in the blood is captured by the compound of the implant device.

55. (currently amended) The method of claim 54, wherein the compound is a ~~ligand for~~ binds to CMV US28.

56-59 (cancel)

60. (withdrawn) The method of claim 47, wherein if a mutation is detected, the method further comprises determining whether the mutation confers resistance to a pharmaceutical agent.

61. (withdrawn) The method of claim 60, wherein the method further comprises administering the pharmaceutical compound to the patient prior to the collection step.

62. (withdrawn) The method of claim 47, wherein collecting comprises placing a transdermal patch containing the compound on the skin of the patient.

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Amendment. dated April 28, 2005
Reply to Office Action of December 2, 2004

PATENT

63 (New) The method of claim 47, wherein the compound is methiothepin as a free base or salt or octoclotheperin as a free base or salt.